

ORIGINAL

FILED

05 FEB 24 PM 1:04

NORTHERN DISTRICT OF OHIO
TOLEDO

ISSUED TO ATTORNEY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Cooper Tire & Rubber Company
701 Lima Avenue
Findlay, Ohio 45840

Plaintiff

vs.

Jason M. Shinn
33321 Ludwig Drive
Rockwood, Michigan 48173-9606

Defendant.

3:05 CV 7063
JUDGE DAVID A. KATZ

: COMPLAINT FOR TEMPORARY
: RESTRAINING ORDER.
: PRELIMINARY AND PERMANENT
: INJUNCTION AND OTHER RELIEF

For its complaint against defendant Jason M. Shinn, plaintiff Cooper Tire & Rubber
Company states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. §1332; the parties are citizens of
different states; and the amount in controversy exceeds \$75,000.00, exclusive of interest and
costs.

2. This action is brought by plaintiff in part for declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202 and also for injunctive relief. Venue is proper under 28 U.S.C. §1391.

PARTIES

3. Plaintiff Cooper Tire & Rubber Company ("Cooper Tire") is a Delaware corporation with its principal place of business in the Northern District of Ohio.

4. Defendant Jason M. Shinn ("Shinn") is an attorney at law, licensed to practice in Ohio, who currently practices in an office located in Taylor, Wayne County, Michigan.

COUNT ONE

5. Cooper & Walinski, LPA ("C&W") is a law firm with headquarters in Toledo, Lucas County, Ohio.

6. Defendant Shinn was employed as an attorney at C&W prior to April 2004.

7. Pursuant to his employment with C&W, defendant Shinn performed legal services for plaintiff Cooper Tire and acted as counsel on plaintiff's behalf.

8. Plaintiff Cooper Tire was the client in an attorney/client relationship with defendant Shinn when he was employed at C&W.

9. As a result of their attorney/client relationship, defendant Shinn received information of a confidential and proprietary nature that was provided to him in order for him to render legal opinions and give legal advice to plaintiff Cooper Tire.

10. Defendant Shinn did, in the course of his representation of plaintiff Cooper Tire, render legal opinions and legal advice to plaintiff Cooper Tire, and assisted C&W in rendering legal opinions and legal advice to plaintiff Cooper Tire.

11. The information provided to defendant Shinn and the legal opinions and advice provided by defendant Shinn are protected by the attorney/client privilege pursuant to ORC § 2317.02. Certain documents are also protected by the work product doctrine.

12. Some of the information and legal advice and work product doctrine referenced above was recorded in documents, e-mails, memorandums, and other written materials. While still associated with C&W, defendant Shinn obtained and is believed to still possess such materials and has refused plaintiff's request that they be returned to it.

13. The information and legal advice referenced above constitute "secrets" and "confidences" as those terms are defined in DR 4-101 of the Code of Professional Responsibility and the accompanying Ethical Considerations.

14. On or about April 2004, defendant Shinn left the employment of C&W.

15. Defendant Shinn has indicated his intention to disclose Cooper Tire's attorney/client privileged information, "secrets" and "confidences" and work product.

16. The disclosure of such attorney/client information, "secrets" and "confidences," and work product would be embarrassing or would likely be detrimental to plaintiff Cooper Tire as those terms are used in DR 4-101.

17. Plaintiff Cooper Tire has not otherwise waived the attorney/client privilege or work product doctrine with regard to this information.

18. Plaintiff Cooper Tire does not consent to any publication of its attorney/client privilege information, its "secrets" or "confidences," or documents protected by the work product doctrine.

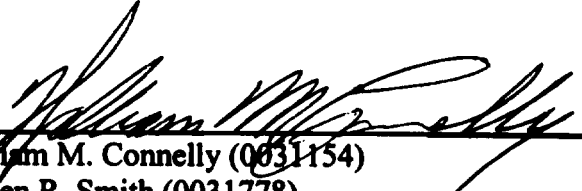
19. The disclosure of such information and legal advice would cause substantial, irreparable harm to plaintiff Cooper Tire.

20. Plaintiff Cooper Tire is entitled to a temporary restraining order and a preliminary and a permanent injunction against defendant Shinn from disclosing or in any way making public its "secrets" or "confidences," the information and legal opinions and advice that are protected by the attorney/client privilege, or documents protected by the work product doctrine.

WHEREFORE, plaintiff Cooper Tire & Rubber Company respectfully demands judgment in its favor against defendant Jason M. Shinn, and granting a temporary restraining order and a preliminary and a permanent injunction against defendant Shinn as follows:

1. Barring defendant Shinn from disclosing or in any way making public the information and legal opinions and advice that are protected by the attorney/client privilege and "secrets" and "confidences," and/or are protected by the work product doctrine.
2. Requiring defendant Shinn to return all copies of documents, e-mails, memorandums, and any other written materials that contain such information and take all necessary steps to purge such information from electronic storage;
3. Requiring defendant Shinn to make a full disclosure, in writing, of the identity of every person or organization with whom defendant Shinn shared Cooper Tire's attorney/client privileged information, "secrets" or "confidences" and/or work product, and as to each person or organization with whom defendant Shinn made a disclosure, specifically identify the information shared; and
4. Granting plaintiff Cooper Tire an award of attorneys' fees and such further relief as the Court deems proper.

COOPER TIRE & RUBBER COMPANY

By 
William M. Connelly (0031154)
Steven R. Smith (0031778)
Tammy G. Lavalette (0071533)
CONNELLY, JACKSON & COLLIER LLP
405 Madison Avenue, Suite 1600
Toledo, Ohio 43604
Telephone: (419) 243-2100
Facsimile: (419) 243-7119
wconnell@cjc-law.com
ssmith@cjc-law.com
tlavalette@cjc-law.com

Counsel for Plaintiff
Cooper Tire & Rubber Company

CERTIFICATION

This is to certify that a copy of the foregoing has been sent this 24th day of February, 2005 via fax to John J. McHugh, III, Esq., McHugh, DeNune & McCarthy, Ltd., 5580 Monroe Street, Sylvania, Ohio 43604, fax (419) 885-3661, Counsel for Defendant.


Counsel for Plaintiff
Cooper Tire & Rubber Company